

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN M BALE,

Plaintiff,

v.

KITSAP COUNTY JAIL,

Defendant.

CASE NO. C12-5966 BHS-JRC

REPORT AND RECOMMENDATION

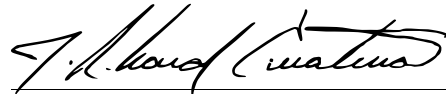
This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

Plaintiff has filed a motion asking to voluntarily dismiss this case (ECF No. 10). The Court has not ordered service of the complaint and defendant has not appeared.

Fed. R. Civ. P. 41(a)(1)(A)(i) provides that prior to an answer being filed, a plaintiff has the right to dismiss without prejudice and may do so without a court order. This Court

1 recommends that an order of dismissal without prejudice be entered. There is no reason to wait
2 21 days for the filing of an objection because defendant has not been served or appeared.

3 Dated this 13th day of December, 2012.

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5 J. Richard Creatura
6 United States Magistrate Judge
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